

Notice of Allowability

Application No.

10/728,138

Examiner

Jeff H. Aftergut

Applicant(s)

PROVOST ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 7-28-06.
2. ☒ The allowed claim(s) is/are 1,2,4,6,10,15,16,22-25,29,32,33,35-43, 45, 46,49,54-58,60-63,70,77-82,87-93,97,99-101,110-115,122-126,128,130-144 and 209-220.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Celia Leber on 8-23-06.

The application has been amended as follows:

In the claims:

In claim 1, line 3, after the word "sheet" the language --of film-- has been added.

Claim 9 has been cancelled.

Previously withdrawn claims 23, 24,35, 40-43, 45, 56 and 57, directed to a non-elected species, have been rejoined (are no longer withdrawn) as a generic claim has been found to be allowable over the prior art.

In claim 61, the claim has been rejoined (no longer is it withdrawn) and on line 3 of claim 61, after the word "sheet" the language --of film-- has been added.

In claim 61, line 4, after the word "with" the word --forked-- has been added.

In claim 61, line 10, after the word "loops" the language --wherein the carrier sheet forms projections extending out of a general plane of the carrier sheet at the holes, the projections bearing against fibers passing through the holes-- has been added.

Previously withdrawn claims 62 and 63, directed to a non-elected species, have been rejoined (are no longer withdrawn) as a generic claim has been found to be allowable over the prior art.

Claims 65-67 have been cancelled.

Previously withdrawn claims 70 and 77-79, directed to a non-elected species, have been rejoined (are no longer withdrawn) as a generic claim has been found to be allowable over the prior art.

In claim 80, line 3, after the word "sheet" the language --of film-- has been added.

In claim 110, line 3, "or paper" has been deleted.

Claim 117 has been cancelled.

Previously withdrawn claims 125, 126, 128, 130, and 133, directed to a non-elected species, have been rejoined (are no longer withdrawn) as a generic claim has been found to be allowable over the prior art.

In claim 134, line 3, after the word "sheet" the language --of film-- has been added.

Previously withdrawn claims 135-137, 139, 140, and 210, directed to a non-elected species, have been rejoined (are no longer withdrawn) as a generic claim has been found to be allowable over the prior art.

2. The following is an examiner's statement of reasons for allowance: None of the prior art of record taught or suggested the use of forked needles to needle fibers of a layer of fibers through a carrier sheet of film to form loops of fibers wherein the carrier

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sheet of film forms projections extending out of a general plane of the carrier sheet at the holes formed therein by the forked needles where the projections bear against fiber passing through the holes. The reference to PCT '680 employed a nonwoven carrier sheet material and failed to expressly suggest that the needles in the needling operation would have been forked needles. The reference to Takahashi suggested that forked needles were known per se in the formation of a loop material in a needling operation but placed no import on the use of the same over barbed needles and did not recognize the unexpected benefits attained when using the forked needles in comparison with barbed needles and a carrier sheet formed of a film (note that in Takahashi the reference did not needle the fibers through a film carrier substrate to expose the same on the opposite side). Note that the declaration submitted evidenced that the use of barbed needles or forked needles were not merely alternatives in the art but rather there was unexpected advantages to using forked needles which included the "turtlenecking" effects recited in the claims. While the reference to German Patent '805 was needling through a carrier sheet which was a film, the reference is not forming a loop fastener component and does not perform the needling operation with forked needles. Additionally there is no indication that projections would have been formed in the film carrier in the manner claimed in the claims in German Patent '805. For these reasons, the claims as presented define over the possible combination of prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeff H. Aftergut
Primary Examiner
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JHA
August 24, 2006